

## **2 INTRODUCTION**

This chapter provides the reader with an overview of the project; background on the purpose, focus, and use of the draft environmental impact report (DEIR); a summary of opportunities for public review participation process; and a description of the terminology used herein. A detailed description of the project is provided in Chapter 3, “Project Description.”

### **2.1 PURPOSE AND INTENDED USE OF THE ENVIRONMENTAL IMPACT REPORT**

The project is proposed to create a clinical environment where health care professionals can provide improved medical care to inmate patients at San Quentin State Prison (SQSP) in Marin County, California. California Department of Corrections and Rehabilitation (CDCR) is mandated by federal court order to provide adequate medical and mental health care to all inmates who require such services at SQSP such that they meet U.S. Constitutional standards. The project is needed to meet the following state requirements:

- Develop a health services facility that supports the ability of custody staff and health care professionals to jointly guarantee that access to care and quality of medical services meets constitutional standards at SQSP.
- Meet CDCR safety and security guidelines for operations and emergency services.

The purpose of the DEIR is to evaluate the potential environmental effects of the project, in conformance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.), as amended. CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority.

A DEIR is a public document that assesses the environmental effects related to the planning, construction, and operation of a project and indicates ways to reduce or avoid possible environmental damage. The DEIR also discloses significant environmental impacts that cannot be avoided, growth-inducing impacts, effects found not to be significant, and significant cumulative impacts of past, present, and reasonably foreseeable future projects. Mitigation has been recommended where feasible to reduce or avoid the project’s impacts. These mitigation measures, including a description of timing of implementation, agency responsibility, and monitoring requirements, will be described in a mitigation monitoring and reporting program (MMRP) document. Once the EIR is finalized, the MMRP will be prepared by CDCR for consideration along with the project and the EIR.

A DEIR is an informational document used in the planning and decision-making process. It is not the purpose of a DEIR to recommend either approval or denial of a project. CEQA requires the decision makers to balance the benefits of a project against its unavoidable environmental risks. If environmental impacts are identified as significant and unavoidable, CDCR may still approve the project if it believes that social, economic, or other benefits outweigh the unavoidable impacts. CDCR would then be required to state in writing the specific reasons for approving the project, based on information in the DEIR and other information in the record. The document containing such reasons is called, per Section 15093 of the State CEQA Guidelines, a “statement of overriding considerations.”

### **2.2 LEAD, RESPONSIBLE, AND TRUSTEE AGENCIES**

CDCR is the lead agency with primary authority for approval of the project. Additional agencies (listed below) with potential permit authority over the project, or elements thereof, will have the opportunity to review this document during the public and agency review period, and will use this information in consideration of any issuance of any permits required for the project.

Public agencies with known permits, other approvals, or jurisdiction by law over resources on the site include (but may not be limited to) the following:

### **2.2.1 LEAD AGENCY**

This DEIR has been prepared by CDCR, the CEQA lead agency. The federal courts have appointed a Receivership (the California Prison Health Care Receivership Corp.) to oversee the implementation of CDCR system-wide improvements to guarantee that access to medical care and quality medical services can be provided in a manner that meets constitutional standards. The Receivership is directing the design and construction of the CHSC facility, but has no discretionary approval over the project. Approval authority for the project would remain with CDCR as the agency responsible for implementation of the project. CDCR will be responsible for certifying that the EIR has been prepared in compliance with CEQA and whether to approve, approve with modifications, or deny the project.

### **2.2.2 STATE RESPONSIBLE AGENCIES**

- State Office of Historic Preservation/State Historic Preservation Officer
- San Francisco Bay Regional Water Quality Control Board
- California State Fire Marshal

### **2.2.3 LOCAL RESPONSIBLE AGENCIES**

- Marin Municipal Water District
- Bay Area Air Quality Management District

### **2.2.4 ROLE OF THE FEDERAL RECEIVERSHIP**

The federal Receivership has been established to improve medical services in the California prison system to U.S. Constitutional standards. To begin the development of a constitutionally adequate medical health care delivery system, the appointed federal Receiver (Robert Sillen) has selected San Quentin State Prison to be the first State prison facility for improvements to its medical care, which proposes construction of the Central Health Services Center (CHSC). The Receiver will be directing the design and construction of the proposed CHSC facility. The Receiver concurs that, although the proposed San Quentin medical improvements are being directed by a federal court order, the State's California Environmental Quality Act process will be followed in the consideration of this project.

## **2.3 SCOPE OF THE DEIR**

Pursuant to Section 15143 of the State CEQA Guidelines, a lead agency should limit the DEIR's discussion of environmental effects to specific issues where significant effects on the environment may occur. CDCR used a variety of information to determine which issue areas could result in significant effects on the environment. This information included field surveys of the project site, review of project characteristics, review of comments during agency consultation, and review of comments received on the notice of preparation (NOP) and during a public scoping meeting.

An NOP was circulated to public agencies and the public on January 17, 2007, for a 30-day review period that concluded on February 16, 2007. The NOP notified the public that a DEIR was to be prepared for the project and briefly described the elements of the project and the scope of the environmental analysis that would be presented in the DEIR. The NOP also requested public agencies and members of the public to provide their comments on the scope and content of the DEIR that was to be prepared. A public scoping meeting was held February 8, 2007. The NOP and comments received on the NOP are included in Appendix A. Review of the NOP and public

scoping comments and preliminary analysis indicate that some environmental issue areas of the project may result in significant adverse effects on the environment. These issue areas include:

- visual resources;
- air quality;
- land use and planning;
- cultural resources;
- earth resources;
- hazards and hazardous materials;
- hydrology, water quality, and shoreline biological resources;
- noise;
- employment, population, and housing;
- public services and utilities; and
- transportation.

Consequently, the scope of this DEIR focuses on these issue areas.

## **2.4 EFFECTS FOUND NOT TO BE SIGNIFICANT**

Based on the NOP, on public comments on the NOP, on comments at the public scoping meeting on the NOP, and on preliminary analysis, the project was determined to have a less-than-significant impact on mineral resources, agricultural resources, recreation, and paleontological resources. These issues are not evaluated further in this DEIR. The following provides a description of why these issue areas were found to be less than significant.

### **2.4.1 MINERAL RESOURCES**

The project site is not located in a known mineral resource recovery zone, nor are any mineral resources that would be of value to the region or the state known to underlie the project site. Therefore, development of the project would have no effect on the availability of known mineral resources. This issue area is not evaluated further in this DEIR.

### **2.4.2 AGRICULTURAL RESOURCES**

The project would be constructed entirely within the existing boundaries of SQSP, which is currently occupied by prison facilities. No agricultural resources would be affected by the project and this issue is not evaluated further in this DEIR.

### **2.4.3 RECREATION**

The project would result in the continuation of existing conditions at the project site. No new public housing is proposed. Therefore, the project would not increase local or regional demand for recreational facilities or opportunities. The project would have no impact on recreational resources and this issue area is not evaluated further in this DEIR.

### **2.4.4 PALEONTOLOGICAL RESOURCES**

Geologic mapping in the project area indicates that the project site contains Holocene (10,000 years and younger) alluvium. Because, by definition, an object must be more than 10,000 years old in order to be considered a fossil, project-related activities (i.e., grading, trenching, excavating) in these deposits would not adversely affect potential paleontological resources present on the site.

## **2.5 PUBLIC REVIEW AND PARTICIPATION PROCESS**

Consistent with the requirements of CEQA, a good faith effort has been made during the preparation of this DEIR to contact affected agencies, organizations, and individuals who may have an interest in the project. As described above, this effort included the circulation of the NOP on January 17, 2007 and a public scoping meeting at the Marin County Civic Center on February 8, 2007. In addition, early consultation with relevant agencies, organizations, and individuals assisted in the preparation of this DEIR.

CDCR has filed a notice of completion with the Governor's Office of Planning and Research, State Clearinghouse, indicating that this DEIR has been completed and is available for review and comment by the public. The public review period will last 45 days, beginning May 31, 2007 and ending July 16, 2007.

### **2.5.1 PUBLIC HEARING**

A public hearing on this DEIR will be held at the Larkspur City Hall, Council Chambers, 2nd floor (400 Magnolia Avenue, Larkspur, CA 94939) on June 26<sup>th</sup> at 4 p.m., during the review period, to receive oral comments on the document. A public notice of availability of the DEIR, which also includes the date, time, and specific location for the public hearing, has been published in local newspapers of general circulation.

### **2.5.2 WRITTEN COMMENTS**

Comments on the DEIR may be made either in writing before the end of the comment period (July 15, 2007) or orally at the aforementioned public hearing. Written comments should be mailed or emailed to the addresses provided below. Following the close of the public comment period, responses to the comments received on the DEIR will be prepared and published, and together with this DEIR will constitute the final EIR.

Mail comments to:

California Department of Corrections and Rehabilitation  
Facilities Management Division  
Attn: Cher Daniels  
P.O. Box 942883  
Sacramento, CA 94283-0001

or e-mail comments to:

[SQSPDEIRComments@edaw.com](mailto:SQSPDEIRComments@edaw.com)

Copies of the DEIR can be reviewed at the locations listed below. Technical studies can be reviewed at the address for the California Department of Corrections and Rehabilitation listed below:

California Department of Corrections  
and Rehabilitation  
501 J Street (5<sup>th</sup> & J Street), Room 312  
Sacramento, CA 95814  
Contact: Cher Daniels (916) 323-0731

City of Larkspur  
Planning Department  
400 Magnolia Avenue  
Larkspur, CA 94939

City of San Rafael  
Community Development Department  
1400 Fifth Avenue (Third Floor of City Hall)  
San Rafael, CA 94901

County of Marin  
Community Development Department  
3501 Civic Center Drive, Room 308  
San Rafael, CA 94903

San Rafael County Library  
1100 E Street  
San Rafael, CA 94901

Corte Madera Library  
707 Meadowsweet Dr.  
Corte Madera, CA 94925

City of Larkspur Library  
400 Magnolia Ave  
Larkspur, CA 94939

## **2.6 DEIR ORGANIZATION**

This DEIR is organized into chapters, as identified and briefly described below. Chapters are further divided into sections (e.g., Section 4.8, “Land Use”).

Chapter 1, “Executive Summary.” Chapter 1 summarizes the project description, alternatives, the significant environmental impacts that would result from the project, and the mitigation measures proposed to reduce or eliminate those impacts.

Chapter 2, “Introduction.” Chapter 2 describes the purpose and organization of the DEIR, context, public review process, and terminology used in the DEIR.

Chapter 3, “Project Description.” Chapter 3 describes project location, background, proposed actions by CDCR, project characteristics, and project objectives. This chapter also describes project construction.

Chapter 4, “Environmental Setting, Thresholds of Significance, Environmental Impacts, and Mitigation Measures.” For each environmental issue, such as cultural resources, this chapter describes the existing environmental setting, discusses the environmental impacts associated with project construction and operations, and identifies mitigation for significant impacts.

Chapter 5, “Cumulative Impacts.” This chapter discusses cumulative impacts that would result from the proposed project in combination with impacts from reasonably foreseeable projects in the project area.

Chapter 6, “Other CEQA Sections.” The potential for the project to foster economic or population growth, or remove obstacles to growth, are evaluated in Chapter 6. Project and cumulative impacts that cannot be mitigated to a less-than-significant level are also documented in this chapter.

Chapter 7, “Alternatives.” This chapter describes alternatives to the project, at a level consistent with CEQA requirements. The alternatives are not analyzed at the same level as the project, which is consistent with the provisions of State CEQA Guidelines Section 15126.6(d). Rather, they present options that might reduce or avoid environmental impacts while attaining some of the project’s objectives, and are compared to the impacts of the project.

Chapter 8, “Organizations and Persons Consulted.” This chapter identifies the organizations and persons that were consulted during the preparation of the DEIR.

Chapter 9, “Preparers of the Environmental Document.” This chapter identifies the DEIR authors and people who provided analysis in support of the DEIR’s conclusions.

Chapter 10, “References.” This chapter sets forth a comprehensive listing of all sources of information used in the preparation of the DEIR.

Appendices. This section contains various technical reports, letters, etc., summarized or otherwise used for preparation of the EIR.

## 2.7 TERMINOLOGY USED IN THE DEIR

This DEIR includes the following terminology to denote the significance of environmental impacts of the project:

***Less-than-significant Impact:*** A less-than-significant impact is one that would not result in a substantial and adverse change in the environment. This impact level does not require mitigation measures.

***Significant Impact:*** State CEQA Guidelines Section 21068 defines a significant impact as one that causes “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.” Feasible mitigation measures or alternatives to the project must be considered to reduce the magnitude of significant impacts to less-than-significant levels.

***Potentially Significant Impact:*** A potentially significant impact is one that, if it were to occur, would be considered a significant impact as described above; however, the occurrence of the impact cannot be definitely determined. For CEQA purposes, a potentially significant impact is treated as if it were a significant impact.

***Significant and Unavoidable Impact:*** A significant and unavoidable impact is one that would result in a substantial adverse effect on the environment that cannot be feasibly mitigated to a less-than-significant level. A project with significant unavoidable impacts can still be approved, but CDCR would be required to prepare a statement of overriding considerations, pursuant to State CEQA Guidelines Section 15093, explaining the social, economic, or other benefits of the project that outweigh the significant environmental impacts.

***Thresholds of Significance:*** A criterion to define at what level an impact would be considered significant. A criterion is defined based on examples found in CEQA or the State CEQA Guidelines, scientific and factual data, the policy/regulatory environment of affected jurisdictions, and other factors.

## 2.8 TECHNICAL STUDIES PREPARED FOR THE DEIR

Several studies or reports have been prepared in support of the analysis presented in this DEIR and are included in the appendices. In addition, the following studies and reports were prepared in connection with the project, and are available for review at the California Department of Corrections and Rehabilitation, 501 J Street, Room 304, Sacramento, California, 95814.

*Hazardous Materials Inspection Report, State Seismic Retrofit Project Building 22, W.O. 106779, San Quentin State Prison, California, prepared by Harding ESE, September 4, 2002.*

*Geotechnical Investigation, Building 22 Seismic Retrofit and Relocation Facilities, California State Prison, San Quentin, Marin County, prepared by Rutherford & Chekene, September 20, 2002.*

*Final Initial Study and Mitigated Negative Declaration for the Seismic Retrofit of Building 22 at San Quentin State Prison (State Clearinghouse No. 2001062050), Prepared by EIP Associates, November 2001.*

*Draft Historic Structures Report, Building 22, San Quentin State Prison, San Quentin, California, Prepared by Carey & Co. Inc., June 24, 2002.*

## 2.9 ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
AB 939	California Waste Management Act of 1989
ABAG	Association of Bay Area Governments
ACM	asbestos-containing material

ADWF	average dry weather flow
af	acre-feet
afy	acre-feet per year
ARB	California Air Resources Board
BAAQMD	Bay Area Air Quality Management District
BACT	best available control technology
BCDC	San Francisco Bay Conservation and Development Commission
BMPs	best management practices
CAA	federal Clean Air Act
CAAA	federal Clean Air Act Amendments of 1990
CAAQS	California ambient air quality standards
Cal/OSHA	California Occupational Safety and Health Administration
Caltrans	California Department of Transportation
CAP	clean air plans
CBC	California Building Code
CCAA	California Clean Air Act
CCCMS	Correctional Clinical Case Management System
CCR	California Code of Regulations
CDCR	California Department of Corrections and Rehabilitation
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CH <sub>4</sub>	methane
CHP	California Highway Patrol
CHSC	Central Health Service Center
CIC	Condemned Inmate Complex
CMP	Congestion Management Program
CMSA	Central Marin Sanitation Agency
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society's
CO	carbon monoxide
CO <sub>2</sub>	carbon dioxide
County	Marin County
CRHR	California Register of Historic Resources

CTC	Correctional Treatment Center
CWA	Clean Water Act
cy	cubic yard
dB	decibels
dBA	A-weighted decibels
DEIR	draft environmental impact report
DFG	California Department of Fish and Game
DGS	Department of General Services
DHS	California Department of Health Services
DTSC	California Department of Toxic Substances Control
Element	Source Reduction and Recycling Element
ESPBRBA	Earthquake Safety and Public Buildings Rehabilitation Bond Act
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FHWA's	Federal Highway Administration's
FIP	Federal Implementation Plan
FTA	Federal Transit Administration
GHGs	greenhouse gases
gpd	gallons per day
gpid	gallons per inmate per day
gpm	gallons per minute
HAPs	hazardous air pollutants
HCP	habitat conservation plan
HP	horsepower
HUD	U.S. Department of Housing and Urban Development
HVAC	heating, ventilating, and air conditioning
Hz	hertz
I-580	Interstate 580
in/sec	inch per second
IPCC	Intergovernmental Panel on Climate Change



IS/MND	initial study/mitigated negative declaration
kV	kilovolt
LBP	lead-based paint
L <sub>dn</sub>	Day-Night Noise Level
LEED®	Leadership in Energy and Environmental Design
L <sub>eq</sub>	Equivalent Noise Level
L <sub>max</sub>	Maximum Noise Level
L <sub>min</sub>	Minimum Noise Level
LOS	level of service
MACT	maximum available control technology
MBTA	Migratory Bird Treaty Act
MCSPPP	Marin County Stormwater Pollution Prevention Program
MDDWF	wastewater under maximum day conditions
MEI	maximally exposed individual
mgd	million gallons per day
mg-Pb/cm <sup>2</sup>	milligram lead per square centimeter
MHCB	Mental Health Crisis Bed
MMRP	mitigation monitoring and reporting program
MMWD	Marin Municipal Water District
mph	miles per hour
MRRC	Marin Resource Recovery Center
MS4s	municipal separate storm sewer systems
NAAQS	National Ambient Air Quality Standards
NESHAP	national emissions standards for HAPs
NMFS	National Marine Fisheries Service
NMWD	North Marin Water District
NO	nitric oxide
NO <sub>2</sub>	nitrogen dioxide
NOP	notice of preparation
NO <sub>x</sub>	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places

NWIC	Northwest Information Center
OAP	ozone attainment plans
OSHA	federal Occupational Safety and Health Administration
PA	public address
Pb	lead
PG&E	Pacific Gas and Electric Company
PM	particulate matter
Porter-Cologne Act	Porter-Cologne Water Quality Control Act of 1969
<i>ppm</i>	<i>parts per million</i>
PPV	peak particle velocity
psi	pounds per square inch
R&R	Receiving and Release
RASP	Recycling and Salvage Program
RC	Reception Center
RCRA	Resource Conservation and Recovery Act
Receivership	California Prison Health Care Receivership Corporation
RFP	request for proposals
ROG	reactive organic gases
RVPA	Ross Valley Paramedic Authority
RVSD	Ross Valley Sanitary District
RWQCB	Regional Water Quality Control Board
SCWA	Sonoma County Water Agency
SFBAAB	San Francisco Bay Area Air Basin
Sheriff	Marin County Sheriff's Department
SHPO	State Historic Preservation Officer
SIP	State Implementation Plan
SO <sub>2</sub>	sulfur dioxide
SQSP	San Quentin State Prison
SWPPP	storm water pollution prevention plan
SWRCB	State Water Resources Control Board

T-BACT	Best Available Control Technology for TACs
TAC	Toxic Air Contaminant
TPY	tons per year
TTA	trauma treatment area – emergency room
U.S. 101	U.S. Highway 101
USFWS	U.S. Fish and Wildlife Service
USGBC	United States Green Building Council
VdB	vibration decibels
VMT	vehicle miles traveled
WHO	World Health Organization
WWTP	wastewater treatment plant
μin/sec	microinch per second